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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,361	01/09/2002	Kenneth S. Ehrman	58886-00006USPT	6354
6980	7590	08/16/2006	EXAMINER	
TROUTMAN SANDERS LLP 600 PEACHTREE STREET, NE ATLANTA, GA 30308			KRAMER, JAMES A	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/043,361	<b>Applicant(s)</b> EHRMAN ET AL.	
	<b>Examiner</b> James A. Kramer	<b>Art Unit</b> 3627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 31-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>May 10, 2002</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Status of the Claims*

Claims 1-30 are cancelled

Claims 31-50 are pending

Claims 31-34, and 36-37 are currently amended

Claims 38-50 are new

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-23, 28-30 ?????? rejected under 35 U.S.C. 102(b) as being anticipated by Hassett.

Hassett teaches for load monitoring and management.

Hassett teaches *a management computer for storing asset control data for a plurality of mobile assets in a relational database format* (see for example Figure 1 #2, and column 3, lines 63-67). Examiner notes that a management data processor represents this limitation. Further Examiner points to column 3, lines 5-9 which teaches a database/network system.

Hassett teaches *an asset monitor, for each of a plurality of mobile assets, for monitoring a respective mobile asset to collect asset monitored data, for wirelessly receiving asset control*

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*data originated at the management computer* (see for example column 2, lines 43-46 and column 6, lines 26-36).

Hassett teaches *a wireless communications infrastructure interconnecting the management computer to each of the mobile assets, the infrastructure including a plurality of local monitor nodes each storing asset control data in a relational database format for at least a portion of the plurality of mobile assets that is at least a partial replica of the asset control data stored by the management computer* (see for example column 3, line 63-column 4, line 21 and Figure 1). Examiner notes that the local site modules represent Applicant's local monitor nodes. Further Hassett's teaching of the modules operating as a data storage and rely unit represents Applicant's storing summarized asset data in a relational database format.

Hassett does not specifically teach the asset monitor able to control operation of the mobile asset, specifically identifying operators approved to operate the asset and preventing operation of the asset if it is determined that the mobile asset should not be allowed to operate.

Brockelsby teaches a vehicle tracking system which determines when a vehicle is stolen (identifying an operator not approved to operate vehicle) and rendering the vehicle immobilized in this situation (see for example column 1, lines 25-40). This is done to provide security.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Hassett to include immobilizing (controlling) a vehicle when it is determined that the operation is not authorized as taught by Brockelsby. One of ordinary skill in

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the art would have been motivated to make such a modification in order to provide security to the vehicle of Hassett.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hassett in view of How the Internet Works pages 278 and 279 and Brockelsby (hereinafter proxy servers).

Hassett as discussed above does not teach that the local monitor nodes are operable programmed to makes decisions concerning operation based on rules and thus act as a middle man between the asset monitor and the management computer.

Examiner submits proxy servers as evidence of what was old and well known at the time of the present invention. Namely, a middle man used to control traffic between two computers. The proxy server is operable to make decisions based on rules and parse data as it is sent between the two computers. Proxy servers are also known to store subsets of data (cache) in order to enhance performance.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the local site modules of Hassett to act as proxy servers between the management computer and the vehicle monitors in order to enhance performance.

***Response to Arguments***

Applicant's arguments with respect to claims 30-50 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

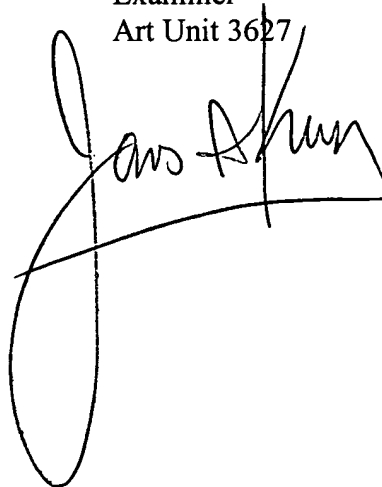
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James A. Kramer  
Examiner  
Art Unit 3627

A handwritten signature in black ink, appearing to read 'James A. Kramer', is written over the printed name and title. The signature is stylized with a large loop at the end.

jak  
8/11/06